

REMARKS

By this amendment, claims 1-29 are pending, in which claims 30-32 are canceled without prejudice or disclaimer.

The Office Action mailed January 2, 2003 rejected claims 1-6, 8-13, 15-22, and 24-32 under 35 U.S.C. § 102 as anticipated by *Oliver* (US 4,839,917), and claims 1-32 as obvious under 35 U.S.C. § 103 based on *Hedges* (US 3,819,862). Claims 30-32 were objected as being redundant.

In response to the objection of claims 30-32, Applicant has canceled these claims.

Applicant respectfully traverses the rejections under 35 U.S.C. §§ 102 and 103, in that neither *Oliver* nor *Hedges*, singly or in combination, discloses the claimed features.

For example, independent claims 1 and 8 recite “enabling said computer to **verify said identification data against reference data stored in a reference database.**” Independent claim 29 recites “entering at the calling telephones employee identification data associated with employee tracking that is **verified by said computer system against reference data stored in a reference database.**” Independent claims 9 and 16 include the feature of “enabling said computer to **compare the indicated origin of each of said telephone calls with information associated with valid work sites that is stored in a reference database.**” Further, independent claims 25 and 27 each recites “**comparing the indicated origin of each of said telephone calls with information associated with valid work sites that is stored in a reference database.**”

By contrast, *Oliver* discloses a system for monitoring telephone lines by bridging across each line between a telephone central office or private branch exchange (PBX) and a telephone set. The lines are scanned periodically for OFF-HOOK, DIALING or IN-RING condition to determine line status. OFF-HOOK without DIALING or IN-RING condition for more than a preselected period is considered one form of an alarm condition. Dialing signals of certain

predetermined numbers is considered an alarm. A computer is provided to store line status information, preset numbers, personnel identification (PIN) numbers and telephone set locations to provide a universal software controlled monitoring of locations, telephone sets and personnel wherever telephone sets are located. (see Abstract)

However, what is conspicuously absent from *Oliver* is any use of a “reference database,” much less a reference database used for verifying identification data “**against reference data stored in a reference database**” as recited in claims 1 and 8 (see similar language in claim 29). Furthermore, *Oliver* has no teaching or suggestion for “**comparing the indicated origin of each of said telephone calls with information associated with valid work sites**”, as positively recited in the noted independent claims 9, 16, 25, and 27. In fact, the Office Action has simply ignored these features in its §102 rejection. (see page 5 of the Office Action).

Therefore, the rejection under 35 U.S.C. § 102 is unsustainable, as anticipation requires that each and every element of the claim be disclosed in a prior art reference. Notably, *Oliver* fails to disclose the claimed reference database.

With respect to the obviousness rejection, the Office Action (page 6) again conveniently overlooks the claimed reference database in its application of *Hedges*.

Hedges merely discloses a system for indicating the condition of hotel rooms, whereby a portable unit is carried by a maid or other personnel and is adapted to a communication channel. The portable unit identifies the room and the particular portable unit. (Abstract; col. 6: 15-20) The *Hedges* system provides no capability to verify or compare as claimed, and is completely silent on the use of a reference database.

With respect to independent claims 17, 24, 26, and 28, claim 17 recites “a computer readable program code means for enabling said computer to compare the indicated origin of each of said telephone calls with information associated with said identification data.” Independent

claim 24 recites “computer readable program code means for enabling said computer to compare the indicated origin of each of said telephone calls with information associated with said identification data”. Independent claim 26 includes the feature of “comparing the indicated origin of each of said telephone calls with information associated with said identification data.” Claim 28 recites “means for comparing the indicated origin of each of said telephone calls with information associated with said identification data.” These features advantageously enable, for example, the validation of telephone calls from preauthorized calling telephones (Specification, page 13, lines 1-18).

At best, *Oliver* discloses that any time the employee dials his PIN from any substation set served by this system, his location is recorded at the monitor station as well as the time of day. If the personnel is a security guard making rounds in a complex, the system can also be configured to produce an alarm if he becomes overdue at any of his scheduled report-in locations. (Col. 13: 8-21) However, there is no disclosure or suggestion of comparing “the indicated origin of each of said telephone calls with information associated with said identification data,” as claimed.

The *Hedges* system is similarly deficient with respect to this claim feature. The operation of the *Hedges* system revolves around the use of the portable unit, which provides identification of the room and the person. (Col. 5: 40-43) This disclosure, however, falls short of providing “origin of each of said telephone calls,” much less comparing “the indicated origin of each of said telephone calls with information associated with said identification data.” This point is made more evident below in the discussion of the allowability of dependent claims 5, 6, 10-13, 21, and 22.

As regards dependent claims 5, 6, 10-13, 21, and 22, the Office Action acknowledges (page 8) that *Hedges* fails to disclose the use of ANI or caller ID, but nevertheless contends that “Hedges teaches that a device is used to transmit an ID of the telephone set to the computer, the

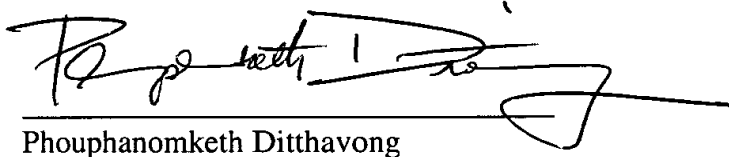
telephone ID being associated with a particular room.” The Office Action further asserts that “This is the same principle on which ANI and caller ID is based,” thereby concluding that “one with ordinary skill in the art would have been motivated to use a well known, more modern technology at the time of the invention to perform the same functionality as taught by Hedges.” Applicant respectfully disagrees on both points. First, the portable unit of the *Hedges* system does not in fact identify the telephone set, but the portable unit itself and the room (col. 5: 40-43; col. 6: 13-20). Therefore, the extrapolation of the functions of the portable unit to ANI and caller ID is technically without merit. As for the second point, Applicant notes that ANI and caller ID are network based services; thus, the modification that the Office Action is suggesting to *Hedges* is no mere use of modern technology, in that the *Hedges* system provides no suggestion on identifying the room using network services, merely contemplating providing such function with the portable unit.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date



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APPENDIX

30. (Canceled) [The computer software product of claim 1, wherein said identification data indicates an employee, and further comprising a computer readable program code means for receiving from the calling telephones computer compatible function codes indicative of whether said employee has arrived or is departing from a work site, and wherein said report contains information indicative of the arrival and departure time of said employee at said work site.]

31. (Canceled) [The computer software product of claim 9 further comprising a computer readable program code means for receiving from the calling telephones computer compatible function codes indicative of whether an employee has arrived or is departing from a work site, and wherein said report contains information indicative of the arrival and departure time of said employee at said work site.]

32. (Canceled) [The computer software product of claim 17, wherein said identification data indicates an employee, and further comprising a computer readable program code means for receiving from the calling telephones computer compatible function codes indicative of whether said employee has arrived or is departing from a work site, and wherein said report contains information indicative of the arrival and departure time of said employee at said work site.]

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